

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ANTHONY HUBBARD,

Petitioner,

Civil No. 2:08-CV-10034

HONORABLE ARTHUR J. TARNOW

v.

STEVEN RIVARD,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR  
RECONSIDERATION**

On January 24, 2011, the Court denied the petition for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. The Court also granted petitioner a certificate of appealability with respect to his claim asserting the erroneous admission of hearsay evidence and granted Petitioner leave to appeal in forma pauperis. *See Hubbard v. Rivard*, U.S.D.C. No. 2:08-CV-10034, 2011 U.S. Dist. LEXIS 6200; No. 2011 WL 222142 (E.D. Mich. January 24, 2011). Petitioner has now filed a motion for reconsideration. For the reasons that follow, the motions for reconsideration are DENIED.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. A motion for reconsideration should be granted if the movant demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *Ward v. Wolfenbarger*, 340 F. Supp. 2d 773, 774 (E.D. Mich. 2004); *Hence v. Smith*, 49 F. Supp.

2d 547, 550-51 (E.D. Mich. 1999). A motion for reconsideration which merely presents "the same issues ruled upon by the Court, either expressly or by reasonable implication," shall be denied. *Ward*, 340 F. Supp. 2d at 774.

Petitioner's motion for reconsideration will be denied, because Petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied the petition for writ of habeas corpus. See *Hence v. Smith*, 49 F. Supp. 2d at 553.

Based upon the foregoing, **IT IS ORDERED** that the motion for reconsideration [Dkt. # 21] is **DENIED**.

s/Arthur J. Tarnow  
Arthur J. Tarnow  
Senior United States District Judge

Dated: August 9, 2011

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on August 9, 2011, by electronic and/or ordinary mail.

s/Catherine A. Pickles  
Judicial Secretary